

CHAPTER 1

GENERAL

1-1. Purpose. This regulation establishes policy, responsibility, and guidance for processing claims and litigation involving the U.S. Army Corps of Engineers.

1-2. References.

- a. 32 C.F.R. 286
- b. 32 C.F.R. 505
- c. 32 C.F.R. 518
- d. 33 C.F.R. Part 209
- e. 33 C.F.R. Part 326
- f. 36 C.F.R. Part 327
- g. DoD Directive 5400.7R
- h. DoD Directive 7050.5
- i. DFARS 209.406-3(a)
- j. AR 25-55
- k. AR 27-20
- l. AR 27-40
- m. AR 37-60
- n. AR 37-103
- o. AR 55-19
- p. AR 340-21
- q. AR 405-15
- r. AR 735-5
- s. Engineer Federal Acquisition Regulation Supplement (EFARS)

1-3. Applicability. This regulation is applicable to all Corps of Engineers Offices of Counsel.

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1-4. Responsibilities.

a. District Counsels and Counsels of Laboratories and FOA's are responsible for the timely preparation of claims reports, litigation reports, and interim status reports. They are also responsible for ensuring that applicable claim and case data is entered promptly on the Case Management Information System (CMIS-II, or its successor), or, if applicable, on the U.S. Army Claims Service's automated claims data base. Additionally, they shall coordinate actions with the United States Attorneys and Division Counsels, and will forward recommendations as necessary through channels regarding prosecution, defense, or appeal strategies.

b. Division Counsels are responsible for monitoring and guiding the District Counsels' performance of the functions stated in paragraph *a*. Division Counsels are also responsible for reviewing the District's reports and recommendations, and including the Division position on a particular issue where appropriate. The Division Counsel has the overall command and control responsibility for the management of all claims for incidents occurring in his or her Division, its Districts, and in Laboratories or FOA's located within the geographical limits of his or her Division.

c. The Office of Chief Counsel is responsible for establishing legal policy and ensuring that claims and litigation are handled in conformity with that policy. The Office of Chief Counsel is responsible for maintaining liaison with the Justice Department, other DoD components, and the federal executive departments.

1-5. Objective. The purpose of this regulation is to provide standard policy and guidance concerning the handling of claims and litigation.